

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES (Small Entity)**

Docket No.  
6006-009

In Re Application Of: S. Bailey, et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/783,633	02/14/2001	MILLER, Cheryl L.	29335	3738	2694

Invention: IN VIVO SENSOR AND METHOD OF MAKING SAME

COMMISSIONER FOR PATENTS:

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated **March 25, 2010** finally rejecting Claim(s) **68, 69, 71-78, and 80-85**

Applicant is a small entity under 37 CFR 1.9 and 1.27.

☒ Applicant claims small entity status. See 37 CFR 1.27

The fee for this Notice of Appeal is: **\$270.00**

☐ A check in the amount of the fee is enclosed.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **18-2000**

☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

  
Signature

J. Peter Paredes (Reg. No. 57364)  
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Dated: September 27, 2010

*Certificate of Electronic Filing*

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

September 27, 2010

(Date)

  
Signature of Person Mailing Correspondence

**Lori Dunham**

Typed or Printed Name of Person Mailing Correspondence

CC: